

HOUSE No. 3399

The Commonwealth of Massachusetts

PRESENTED BY:

Carl M. Sciortino, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to veterans' benefits equity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carl M. Sciortino, Jr.	34th Middlesex
Patricia D. Jehlen	Second Middlesex
Sarah K. Peake	4th Barnstable
James B. Eldridge	Middlesex and Worcester
Frank I. Smizik	15th Norfolk
Steven J. D'Amico	4th Bristol
Elizabeth A. Malia	11th Suffolk
Denise Provost	27th Middlesex
Paul McMurtry	11th Norfolk
Cory Atkins	14th Middlesex
Susan C. Fargo	Third Middlesex
Kay Khan	11th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3725 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AN ACT RELATIVE TO VETERANS' BENEFITS EQUITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. *Whereas*, the Commonwealth of Massachusetts honors the service of its veterans, and

2 *Whereas*, veterans receive specific state-funded benefits and protections under Massachusetts General
3 Laws, and;

4 *Whereas*, Massachusetts prohibits discrimination based upon a person's sexual orientation, and;

5 *Whereas*, the Constitution of the Commonwealth recognizes the right of same-sex couples to marry, and;

6 *Whereas*, the Federal government has prohibitions for those serving in the armed forces against
7 homosexual conduct and considers the marriage of persons of the same sex grounds sufficient for
8 discharge, and;

9 *Whereas*, all veterans in the Commonwealth deserve the same rights and benefits regardless of sexual
10 orientation or marriage status,

11 Therefore,

12 SECTION 2. Section 7 of Chapter 4 of the Massachusetts General Laws, as appearing in the 2006 Official
13 Edition, is hereby amended by inserting at the end of Clause 43 the following-

14 “(4) Nothing in this clause shall be construed to deny benefits to anyone discharged solely under Article
15 125 of the Uniform Code of Military Justice when such discharge was the result of consensual behavior
16 between legal adult persons; or anyone discharged solely under Chapter 37 of Title 10 of the US Code,

17 Section 654. Nor shall anything in this clause be construed to deny benefits to a same-sex spouse of a
18 veteran.

19 The Department of Veterans' Services shall promulgate regulations as necessary to ensure veterans
20 discharged under the above mentioned codes, and/or same-sex spouses of veterans, may appeal their
21 eligibility status for Chapter 115 benefits that they would otherwise be entitled to under Massachusetts
22 General Laws and regulations.

23 Any veteran and/or same-sex spouse of a veteran, whose discharge is determined to be the result of
24 consensual behavior between legal adult persons, or anyone discharged solely under Chapter 37 of Title
25 10 of the US Code, Section 654, shall be eligible for and receive benefits under this section.”